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**Amendment No. 3 to HB0026**

**Kisber  
Signature of Sponsor**

**AMEND Senate Bill No. 423**

**House Bill No. 26\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-321(c), as amended by Chapter 158 of the Public Acts of 2001, is amended by deleting subdivision (1)(B) in its entirety and by substituting instead the following:

(1)

(B) Any applicant who does not have, or who states that the applicant has never been issued, a social security number required by subdivision (1)(A) shall complete an affidavit, under penalty of perjury, affirming that the applicant has never been issued a social security number and submit a copy of one of the following documents:

(i) The Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service resulting from the submission of a Form W-7 to the Internal Revenue Service; or

(ii) Any one of the following most recent documents issued to the applicant by the Immigration and Naturalization Service:

(a) Form I-94;

(b) Employment Authorization Document (E.A.D.);

or

(c) I-551.

(C) In addition to submitting the information required pursuant to subdivision (1)(B), an applicant meeting the requirements of subdivision (1)(B) shall also provide acceptable proof of Tennessee residency which

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shall consist of providing two (2) documents, including but not limited to the following, which must include the applicant's name or the name of the applicant's spouse, if the applicant has a spouse, or if the applicant is a minor the name of a parent or legal guardian:

- (i) Utility bill, including telephone service, showing a valid Tennessee residence address;
- (ii) Bank statement showing a valid Tennessee residence address;
- (iii) Rental contract or receipt showing a valid Tennessee residence;
- (iv) Employer verification acceptable by the department;
- (v) Life or health insurance policy showing a valid Tennessee residence; or
- (vi) Driver license issued by the state of Tennessee to a parent, legal guardian or spouse.

If a student is enrolled in a public or private education institution in Tennessee, the student may provide a photo student identification and documentation acceptable to the department that the student resides on campus.

SECTION 2. Tennessee Code Annotated, Section 55-50-102, is amended by deleting item (41) in its entirety and by substituting instead the following language:

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(41) "Resident" means a person who has a home or abode in Tennessee to which, whenever such person is absent, such person has the intention of returning. If a person has a home or abode in Tennessee, for the purposes of this chapter, there is a rebuttable presumption that a person is a resident of Tennessee if at least one (1) of the following applies to such person:

(A) A person is employed or engages in any trade, profession or occupation in Tennessee;

(B) A person is a student in a private or public higher education institution in Tennessee;

(C) A person enrolls his or her child or children to be educated in the private or public schools of Tennessee; or

(D) A person who, except for infrequent, brief absences, has been present in Tennessee for thirty (30) or more days immediately prior to making application;

provided that no person shall be considered a resident of Tennessee for purposes of this chapter unless such person is either a United States citizen or an alien with documentation from the U. S. Government;

SECTION 3. Tennessee Code Annotated, Section 55-50-321, as amended by Chapter 700 of the Public Acts of 2000, is further amended by adding the following language at the end of subsection (a):

In addition to such fee, a ten dollar (\$10.00) non refundable fee, which shall constitute expendable receipts of the department, shall be assessed to an

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applicant at the time such person applies to retake either the written or skills portion of the examination for a driver license which such person failed. These expendable receipts shall be utilized by the department for additional personnel, supplies, space requirements, or other operational expenditures, in order to carry out the provisions of this act. The department shall impose a reasonable waiting period of time before a person is authorized to retake the portion or portions of such examination which such person failed.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.